

## MINUTES



## REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD Council Chambers Thursday, January 22, 2004, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

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### MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Zermeño, followed by the Pledge of Allegiance.

### ROLL CALL

Present: COMMISSIONERS Bogue, McKillop, Sacks, Fraas, Halliday, Thnay  
CHAIRPERSON Zermeño  
Absent: COMMISSIONER None

Staff Members Present: Conneely, Emura, Koonze, Looney, Patenaude

General Public Present: Approximately 13

### PUBLIC COMMENT

There were no public comments.

### AGENDA

1. Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 – Mo Janda (Applicant/Owner) – Request to Allow a Truck and Bus Driving School at 2977 Baumberg Avenue
2. Use Permit PL-2003-0075 – Pick-Your-Part Auto Wrecking (Applicant/(Owner) - Request to Continue Operation of an Automobile Dismantling/Recycling Business – The Project is Located at 2885 West Winton Avenue (Continued from December 11, 2003)
3. Revocation of Use Permit Application No. 80-3 E & J Auto Wreckers / Daniel Wheat (Owner) - For an Auto Wrecking Facility – The Project is Located at 2851 West Winton Avenue - (Continued from December 11, 2003)

### PUBLIC HEARINGS

1. Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 – Mo Janda (Applicant/Owner) – Request to Allow a Truck and Bus Driving School at 2977 Baumberg Avenue

Associate Planner Emura discussed the staff report and denial of the application. He noted that the modular building does not meet the minimum design standards. The existing chain link fence is located within 8 feet of the right of way where 10 feet is required. He noted that were the application approved, the applicant would have to do improvements to the curbs and gutters as well as landscaping. He explained that the traffic concerns and analysis in the staff report were based on the wrong intersection. The report was based on Hesperian and Industrial rather

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than Baumberg and Industrial. However, staff is still concerned about inexperienced drivers close to a busy intersection. If supportive, CEQA approval would be required.

Principal Planner Patenaude explained that they discovered the error about the intersection, once the staff report had been written and distributed.

Commissioner McKillop asked whether it was known how many novice truck-drivers-in-training would be on-site on a daily basis.

Commissioner Halliday discussed the same issue, as well as other educational institutions in the Industrial area and whether it is an appropriate use of the land.

Principal Planner Patenaude said staff feels it is appropriate in the Industrial area but not at this location because of traffic.

Commissioner Fraas asked about their building and whether there are other impediments to building a permanent structure on the site.

Principal Planner Patenaude said none. He noted that the Planning Commission did approve a modular building at the Mission Hills golf course, but that the Commission had required design upgrades.

Commissioner Thnay asked about the issues that might have arisen during the past years since 2001 when the school first opened.

Associate Planner Emura said the report was circulated to the Police Department from which there was no response.

Principal Planner Patenaude said engineering had said no accidents had been attributable to the school that they are aware of.

Commissioner Sacks asked about any changes to the modular building and whether it would be permitted by the State or the City of Hayward.

Principal Planner Patenaude responded that the State would have to give approval to the unit but it would have to meet City of Hayward guidelines.

Chairperson Zermeno asked whether there have been any traffic problems in the area. He also noted that the entry gate is restricted and does not provide for efficient truck or bus movement.

Principal Planner Patenaude responded that there had been no reported incidents or issues. As to the gate, if the Planning Commissioner were to ask for conditions of approval, staff would have to bring back findings as well which would involve changes to access and site layout.

The public hearing opened at 7:40 p.m.

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Shirley Soto spoke for Mr. Janda. He had inquired about building a small building on the property. He bought a small house on the property next door hoping to use that as an office building. He started to fix it up but a building inspector said he could not use this existing building. He obtained permits to demolish the building on the advice of this building inspector. This was a \$95,000 loss to Mr. Janda. He then asked the inspector what kind of building could be used on the property since there was no sewer hook-up. He was told a self-contained modular would be the way to go. The modular is State certified built by code. There are an average of 8 students. They need 30 hours of classroom time before they can actually drive a truck. Each driver leaves with a State certified instructor and there are only 2 trucks belonging to the school on site. They never leave the yard before 9:30 a.m. and are back by 3 p.m. He is filling a need for well-trained drivers. Large companies depend on him. When Baumberg Avenue is improved, he will erect a permanent building. He has had loss after loss in trying to comply with the regulations of the City. She then asked the Commissioners to read the letter. Mr. Janda said he needs time and will comply. He said he would comply with the demands of the City of Hayward.

Chairperson Zermeño noted that some of the improvements to the modular would be quite extensive.

Ms. Soto explained that no one has ever sat down and explained things to him.

Commissioner Halliday asked staff about the Building Inspector, Steve Graves, visiting the site and advising him to tear down the house and get a modular building.

Principal Planner Patenaude said they have spoken with Mr. Graves, a building inspector. It is unfortunate that he tore down the building since he had never come into the City of Hayward for permits because he was coming in after the fact to a property. He said it might have been possible to convert but not now.

Ms. Soto said Mr. Janda did not think he needed a building permit to clean it up and replace buildings. Inspector Graves said it would need a new foundation, so he advised to just tear down the building, which resulted in a \$95,000 loss. He hired people to demolish the building.

Mr. Janda said he was told after the fact that he would need a permit to erect the modular building.

Commissioner Sacks asked how he would have been able to build a permanent structure without sewers, and how does the modular work.

Ms. Soto explained that the modular has a 600-gallon self-contained enclosed sewage tank unit, which is serviced once a week.

Commissioner Bogue asked Mr. Janda to describe the condition of the house and whether it had a sewer line.

Mr. Janda explained that the house had a septic tank. The building inspector also told him that the City of Hayward would never accept a septic tank.

Chairperson Zermefio asked about another house between his business and Industrial Boulevard.

Mr. Janda said he approached the owner and said he was willing to buy the house and put the office in that whenever the owner might be willing to sell.

Commissioner McKillop asked staff if there is any available sewer on Baumberg if he were to build.

Principal Planner Patenaude said they were checking the map and would report within a few minutes. It had not been an issue since staff was recommending denial for the application.

Commissioner Sacks then explained to Mr. Janda that she had no chance to contact him after his initial phone call, since she works during the day.

Commissioner Bogue then said he had spoken to the applicant three times. He then asked about right turns into and out of the facility.

Mr. Janda said he had already ordered directional signs for the property. He then emphasized that all students are accompanied by another driver nor do they leave the property in bad weather.

Commissioner Bogue then asked about bringing the entrance gate back away from the right-of-way on Baumberg to accommodate the 48-foot truck. He suggested investigating both the gate width as well as the setback from the roadway.

Mr. Janda said they can do that.

Principal Planner Patenaude said there is no sewer line in front of the property but there is a line on Industrial.

Commissioner McKillop then asked how many feet it would be for him to tap into a sewer.

Associate Planner Emura said it is 130 feet from corner of the property to Industrial. He does own the property to the north as well.

Mr. Janda said he checked out and it is a quarter of a million dollars to develop the sewer.

Commissioner Thnay asked about a long-term plan for curb and gutter as well as a sewer line on Baumberg.



Principal Planner Patenaude said it is not in the CIP but staff would be asking for a dedication of 5-feet of right of way as well as curb and guttering.

Ms. Soto asked about the sidewalks. As it is there is nothing in curb and gutters next to his property. She asked whether the curb and gutter could wait until the City of Hayward had developed a plan for the area so everything could then be coordinated.

Commissioner Halliday asked whether Mr. Janda would be amenable to having a condition that the trucks only leave the property between 9:30 a.m. and 3 p.m.

Mr. Janda said he would agree.

The public hearing closed at 8:07 p.m.

Commissioner Halliday said she had sympathy with the applicant. She said she did not buy the argument about trucks in the Industrial area since that is what is in the area. However, she said she agrees with the standards for design in the industrial area, however on this piece of property, the modular is an improvement. She thought of putting a time limit on the use permit of maybe 3 or 5 years. Not living with a modular at this site forever. She then moved, seconded by Commissioner Bogue, to ask staff to bring this back with appropriate conditions for approval. She suggested that a time limit be put on the modular as well as beautification of the building as well as right turn exits.

Commissioner McKillop said she would support the motion. She suggested this is a good location for a truck school. She noted that staff did not say the primary reason for denying this application is the modular. She also added that it would not be appropriate at this time for staff to require sidewalks without a sewer. She said she would support a time limit for the application. She said she would also support deferring the sidewalks until such time as the applicant can erect a permanent structure.

Commissioner Sacks said she, too, would support the motion, including a time for the Commission to look at the application again. She said she has driven through that intersection many times and it is really bad, at getting off work time. She liked the hours of driving as well as the small number of drivers operating. She noted that there is a need for better truck drivers and this is an appropriate area. She commented that the pictures helped her recall what the area looked like. This should make the area better.

Commissioner Bogue said he agreed that the modular in this location should be allowed, because of the sewer system and that this is a small project that is not a residence. Time limit should be reflective of what we are asking the applicant to do. The City should tie the sewer to the modular building. He likes right turn in and out, as well as time limits for driving. He added that staff might look at the gate location along with the landscape requirement. They

might tailor the entrance for that, adding that he was not interested in reducing the landscaping.

Commissioner Fraas said she would also be supporting the motion. She noted that the applicant has been open about meeting the requirements.

Commissioner Bogue clarified that this item would be returned for review.

Chairperson Zermeño noted that he had met with the applicant and would support the motion. The applicant seems willing to work with the City. This is an improvement over what has been there in the past, and it also shows the City's willingness to work with small businesses.

The motion passed unanimously.

**2. Use Permit PL-2003-0075 – Pick-Your-Part Auto Wrecking (Applicant/(Owner) - Request to Continue Operation of an Automobile Dismantling/Recycling Business – The Project is Located at 2885 West Winton Avenue (Continued from December 11, 2003)**

Assistant Planner Koonze discussed the property and the location as well as the requirements for upgrading the property. He showed the seasonal wetlands, which is HARD property. There has been some minor contamination to the site. He noted that the environmental impacts of this proposal included a DEIR, a supplemental DEIR and an FEIR. Proposed buildings designs were discussed. He showed various design improvements for the property. Staff would approve wall designs for the location as well. Staff recommends certification of the FEIR as well as approval of the Use Permit.

The public hearing opened at 8:27 p.m.

Cindi Galfin, Vice President of Pick Your Part, introduced Jason Booth, council for the business who clarified the various conditions. He said when they planned this facility, they proposed a wrought iron fence on the property between the parking lot and HARD's wetlands next door. He noted that the requirement of a concrete wall required in condition 3, would increase the cost without any significant benefit to the project. He asked for a clarification on Condition 57, "...prior to acceptance of the disposal of the vehicles onto the site." He clarified that the vehicles remained in an impound area until titles through the DMV had been cleared after which they were taken to the area on site where all the fluids would then be drained. He commented on other conditions, like number 60, which would require that drip pans used when retrieving all auto parts. He asked that this be changed to read, "When parts are engine parts and would not be needed for all parts." He argued that there was a seeming contradiction between two of the conditions, 8 and 25, regarding putting tanks below ground does not make sense. He said it only makes sense to go with aboveground. As currently designed virtually all the water will go through a two-stage filtering system including a vegetated bio-swale. Small portions will still go toward the facilities within West Winton Avenue after it has gone through the bio-swale. This drainage proposal was approved by the Alameda County Flood Control District. He then asked that the letter from Regional Air Quality Board be accepted into the record stating their conditional approval.

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Commissioner Sacks clarified their concern about the masonry wall and their proposal for a wrought iron fence instead. She suggested the reasoning was that debris not blow out of their facility.

Mr. Booth stated that that this was an assumption that they had made.

Commissioner Fraas asked about the drip pans and whether they were ensuring that once the vehicle is drained, there would be no need for drip pans to collect residual fluids.

Ms. Galfin responded that they are not making that assurance but rather asking for the condition to be clarified that drip pans would not need to be required by everyone. Someone who is taking off a bumper, for example, would not need a drip pan. It is for the people removing engine components and those parts associated with it. She added that the 10-foot wall at the parking lot would be incidental.

Assistant Planner Koonze explained that for the wall along the west property line, the original proposal was a wrought iron fence. HARD came back to the City of Hayward with concerns, not only of the visibility of cars, as well as debris blowing onto their property, but problems with people who work on the cars right there and then dump spare parts onto the HARD property. The wall would help to control the work site. This would make a better looking project from HARD as well as keeping debris within Pick-Your-Part's property.

Mr. Booth said working on cars on the property is strictly prohibited. There is a drainage channel separating the properties as well.

Commissioner Halliday asked for further information on the drainage, especially that portion of the lot, which would not go through the bio-filter.

Mr. Booth explained that it would go through the bio-filter but would go out the front to a storm drain line in West Winton Avenue. They received approval to have the water from the parking lot and the private parking lot go through bio-filters and then go out into the flood control ditch as they do now. He noted that there will not be a lot of water and it would still be filtered.

Ms. Galfin added that in the impound area fluids are not drained outside. Mr. Booth added that all of the draining activity is contained inside a building rather than outside.

Principal Planner Patenaude suggested that staff would address the whole list of items all at one time.

Commissioner Thnay asked about the wrought iron fence and the concerns of HARD. He suggested dressing it up with landscaping to further enhance it.

Ms. Galfin explained that the bio-swale, or bio-filter, is a landscaped area of 10-feet wide. They can also plant vines as well without compromising the integrity of the bio-swale, or bio-filter.

Commissioner Sacks said she found the letter from HARD and their reasoning for wanting a permanent fence was two-fold: unwanted residue and unauthorized access to HARD property. The letter was dated 1995, 9-years ago.

Mr. Booth suggested that perhaps the letter was then not relevant since they had made any number of changes to the plan since then.

Commissioner Fraas asked staff whether the fence was part of the mitigation plan and how would that affect the plan were they to change it to a wrought iron one.

Assistant Planner Koonze noted that various studies were not complete at this point. However, HARD is still saying the fence is a concern. Long-term planting may not happen soon enough. Staff is still supporting a wall in this area.

Assistant City Attorney Conneely pointed out that, for purposes of CEQA review, mitigation measures and the mitigation monitoring plan are connected to the FEIR, to start changing the plans may create the need for further revisions to the Environmental Review and the adoption of a statement of over-riding consideration.

Ms. Galfin asked whether, if it had to be a concrete wall does it have to be 10-feet high. Also, would it be possible to use galvanized steel to match what is there.

Mr. Booth thanked staff and the City Attorney's office for their patience and hard work.

Sheila Junge said she supports the project since it will be a great improvement. She did have some concerns regarding the wrought iron fence adjacent to the HARD property. Since this area of HARD is a seasonal wetland, a solid fence would shelter the birds from both visually and from noise generated at the auto wrecking site. She also asked about condition 23, stating that the treatment would be up to 85% of average annual runoff. Regarding the agreement with Alameda County, would there be potential for runoff to the HARD property. As to the use of the drip pans, various parts of the car have fluids in them, not just the engines. She would like to see a condition requiring them to clean up the streets as well. Her main concern is a matter of enforcement. She noted that permits come up for revocation, and have repeated violations but still the permits do not get revoked.

Commissioner Halliday asked how she would feel about the metal wall.

Ms. Junge said it would be preferable to wrought iron.

Janice Delfino commented that Pick Your Part has already contaminated the HARD property for many years so the least the company could do would be to provide the masonry wall. Because this would also create a perch for predators, there should be Nixalite along the top of





the wall. She noted that the masonry wall would be better than a wrought iron fence. She also asked whether trees were needed inside the fence, since again this would provide a place for predators to perch. Her other questions included whether there would be any feral cats within this property and how often the bio-filter would be serviced.

Assistant Planner Koonze responded to the question as to how often the bio-swale needed to be maintained. He said the Regional Quality Control Board says when the vegetation starts to die the bio-filter needs cleaning.

Commissioner Halliday asked her opinion of a metal wall versus wrought iron or masonry.

Ms. Delfino said anything done to improve the area should be done.

Commissioner Halliday suggested that a metal fence might not be as attractive to the predators as a masonry wall.

The public hearing closed at 9:08 p.m.

Assistant Planner Koonze suggested staff run through the items brought up by the applicant. Staff is still looking for aesthetics and the complementary visuals from Winton along the side property line. The fence is only 8-feet high along the parking lot. As to the concerns about the drains, storm drains must drain to a system acceptable to the Regional Water Control Board and the Alameda County Flood Control District. All agencies will be involved in the review of the proposal. The RWCB made the request about drip pans being made available. Many parts within the car will have trapped fluids. How they want to handle it will be up to the RWCB. The above ground tank issue needs approvals. Separation of the car rows is required to provide adequate access for the HFD. As to the street width, they need to provide curbing, reduce the street down to a normal industrial street width, they are responsible to centerline of the street to match existing pavement. The design is to be approved by the City Engineer. As to the 85 percent runoff, this is something the Regional Control Board has requested. Condition 53 requires that they be responsible for their frontage areas. As to the required trees, they will not be raptor friendly. The time period between cleaning of the bio-filter is not known at this time. It will be determined that when the plants start dying, there is a problem.

Commissioner Bogue discussed condition 57.

Assistant Planner Koonze explained that after DMV clearance, the cars would go to drainage building. The key thing is to make sure they are drained before they get to the public access area.

Commissioner Sacks asked about raptors, since on the South of 92 project, that was a huge issue. This seems to be a similar situation as to the property boarding on wetlands. She asked whether there was something that needed to be addressed to be consistent.

Principal Planner Patenaude said the South of 92 main concern was for household pets. This project will have a condition to plant only particular trees that are raptor unfriendly.

Commissioner Thnay stated that overall this is a great enhancement for the project. Usually a fence is needed when noise is involved. He asked whether there would be the need for a change in conditions if there was a change in the fence from masonry to galvanized steel.

Principal Planner Patenaude explained that a solid metal fence would mitigate the issues as well.

Commissioner Bogue asked whether they needed three votes for the certification of the EIR or could they vote as a collective.

Assistant City Attorney Conneely said it depends on changing the mitigation conditions of approval, otherwise they could consider everything at once.

Commissioner Fraas moved, seconded by Commissioner Sacks, the recommendation of staff.

Commissioner Bogue asked that the motion include the use of Nixalite on top of the wall. This was accepted into the motion. He noted that the uses of a parking lot and a habitat are very different. That is why the wall is included. This is necessary as a result.

Commissioner Sacks was pleased with the amount of work the applicant has done. She would support the motion.

Commissioner Halliday said she thought the point of any planting and vegetation was to not have a negative impact on wetlands. She agreed with the masonry wall since there will be noise in the parking lot so it seems to be the right thing to do.

Commissioner Thnay said unless there is an issue of noise, a nice metal wall would be a better match with the wetlands rather than a sound wall.

Commissioner Sacks noted that she is not a friend of walls, however, in this case it is appropriate. However, having a parking lot next the wetlands, she noted that she does not want to look at either a wall or the parking lot.

Chairperson Zermeno said he agreed with the wall since this is industrial use next to a habitat.

The motion passed 6:1, with Commissioner Thnay voting "No."

The decision can be appealed to Council within 10 days.

The Commission took a three-minute break.



**3. Revocation of Use Permit Application No. 80-3 E & J Auto Wreckers / Daniel Wheat (Owner) - For an Auto Wrecking Facility - The Project is Located at 2851 West Winton Avenue - (Continued from December 11, 2003)**

Principal Planner Patenaude described the history of the project. He noted that staff has attempted a number of times to get a new application since the installation of the storm drainage system. The Planning Commission can revoke a use permit when an applicant does not meet the requirements of approval. Staff has supported renewal of this use permit for this facility to make sure it is operating in an environmentally friendly manner. He noted they have not been able to get very far with a new permit. As a result, Staff is recommending the revocation.

The public hearing opened at 9:37 p.m.

Dave Lanferman, attorney for the owners of E&J, asked the Commission to continue the revocation for 30-days. He said they have made an effort to renew their application for use permit. He said they have been working with staff on what the City believes is still outstanding. The permit holder intends to abide by City of Hayward requirements. They intend to do a number of things. He said he has been involved with the Wheat family for many years. In light of their efforts, the applicant has responded to City requests, so he was asking for a 30-day delay. The applicant has been in business for 40-years at this site.

Commissioner McKillop asked whether the applicant has all the information needed to be able to complete this application within 30-days.

Mr. Lanferman said they hope they will be able to do so, 6 weeks would be better than 4 weeks but his client has made efforts to re-start the application process. He noted that they would like to keep in compliance.

Commissioner McKillop stated that since this has been outstanding since 1999, if it is not done in 30-days, she will support the revocation.

Chairperson Zermeno asked whether there were many things outstanding and could it be done within 30-days.

Mr. Lanferman said it sounded to him that they needed to restart the 1999 application process or at least get all the plans organized to submit their application.

Commissioner Sacks asked staff, if the Commission were to move to accept the request, what would the differences be.

Assistant City Attorney Conneely said the applicant could appeal to City Council. If they agreed with the revocation, the applicant might appeal to the Courts. Meanwhile, the City would take steps to enforce the determination. If the Commission believes the applicant is working in good

faith, they might want to continue the revocation.

Commissioner Bogue asked should revocation be approved, could the applicant come back within that time with new plans for a use permit.

Assistant City Attorney Conneely said that the applicant might be precluded from reapplying for one year. The revocation would potentially be a denial of the use permit.

Mr. Lanferman asked that if the matter is not continued, he would like to explain their actions over the past 10-years.

Cindy Galfin, Pick Your Part, expressed concern that E&J has not been cooperative. Other facilities should be required to have similar conditions as does their own facility. She said they would support the revocation.

The public hearing closed at 9:49 p.m.

Commissioner Bogue moved, seconded by Commissioner Sacks, to revoke the permit on staff recommendation.

Commissioner Bogue suggested that this is the appropriate action since there has not been much response. He said he thinks it would be appealed, and at that time they might have an appropriate package for City.

Commissioner Fraas said she would support the motion. This business must meet the same standards. Pick Your Part was held to a higher standard and they came through, this business did not.

Commissioner Halliday asked the chair to allow Mr. Lanferman to speak again.

Chairperson Zermeño reopened the public hearing after tabling the motion.

The public hearing reopened at 9:49 p.m.

Mr. Lanferman said he understood the concern of the members as well as Pick Your Part, which surrounds their project. He agreed that they were not there yet. He noted a long history of wanting and trying to comply, he said he would like to make sure all the facts are known. Time has been an issue, 1980 conditions provided automatic renewal until appropriate drainage situation would be available. In 1990, Mr. Dan Wheat, senior, put in an application for use permit. The requirement for EIR was appealed to the court, the court agreed that the City had no right to ask for this document. The application process was renewed in 1997, following the death of Mr. Wheat, Mrs. Patsy Wheat hired an engineer for plans, in 1999, at least half the items were submitted in a timely manner. They questioned the requirement for the site assessment. Subsequently, they were told this would no longer be a requirement. As a result, paperwork has become misplaced on the City side and the Wheat's side. They would spend the time to at least submit the plans, and the chance to find out what they need to do to be in compliance. If the revocation goes through, they would need to spend the time, money, and energy defending



themselves for both going to court and the City Council.

Commissioner Halliday asked whether his client would realistically be inclined to comply.

Mr. Lanferman said his client is aware of the need and would not be in business without compliance. He noted that this has been an evolving process for Pick Your Part. His client has been approached for sale of their property by Pick Your Part which surrounds their property. He noted that they would try to comply.

The public hearing re-closed at 10:05 p.m.

Commissioner Fraas called for the question.

Commissioner Thnay commented that it was unfortunate that the applicant had been dragging his feet instead of trying to comply with the City of Hayward. However, since it looks like it would go to the City Council, he would rather go with a 30-day continuance. If this is a good faith proposal, it will come back and could save staff time and resources.

Commissioner Halliday said she agreed with Commissioner Thnay. Even with 30 days, she does not think they will have their act together and this will end up in court, but with this one more step, we are making it clear the City has done everything they could to accommodate the applicant. It is a safer course. So she would support one more continuance.

Commissioner Sacks said she seconded to move onto the discussion. She added that yet there is a part of her that would have moved everything not to have gotten to this point. There is no direct evidence that they are not working in good faith so she would go with her instincts that given enough rope, they will hang themselves. She added that she would vote against the motion.

Chairperson Zermeño said it is possible that this can be worked out and he too would vote against the motion.

The motion failed by the following vote:

AYES:	COMMISSIONERS Fraas, McKillop, Bogue
NOES:	COMMISSIONER Halliday, Thnay, Sacks, CHAIRPERSON Zermeño
ABSENT:	None
ABSTAIN:	None

Commissioner Sacks then moved, seconded by Commissioner Halliday, to give the applicant, not less than 30-days to file for the continuance of his use permit, or to be in compliance by the first meeting after the 30-days.

Commissioner Bogue commented that he did not believe it was “heartless” to say that after 13 years of being in non-compliance, your permit is revoked. The longest period of non-compliance he could remember was 6 years. This is double that.

The motion carried by the following vote:

AYES:	COMMISSIONERS Sacks, Halliday, Thnay, CHAIRPERSON Zermeno
NOES:	COMMISSIONERS Fraas, McKillop, Bogue
ABSENT:	None
ABSTAIN:	None

#### ADDITIONAL MATTERS

##### 4. Oral Report on Planning and Zoning Matters

There was no report. Principal Planner Patenaude did remind members of the next meeting scheduled for February 5.

##### 4. Commissioners' Announcements, Referrals

Chairperson Zermeno noted various invitations to planning meetings throughout the State.

Commissioner Bogue announced the Southgate Area Homeowners candidates' night on February 4<sup>th</sup>, at 951 Turner Court.

Commissioner Sacks commented on the Forum at Redwood City that members might like to attend.

#### ADJOURNMENT

The meeting was adjourned by Chairperson Zermeno at 10:14 p.m.

APPROVED:

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Christopher Thnay, Secretary  
Planning Commission

ATTEST:

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Edith Looney  
Commission Secretary